

SENATE BILL 3309
By Womack

AN ACT to amend Tennessee Code Annotated, Title 54, relative to private toll roads and bridges.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, 54-13-101, is amended by inserting the words and punctuation "private toll roads," between the words "public roads" and "and the like".

SECTION 2. Tennessee Code Annotated, Title 54, Chapter 13, is amended by adding the following as a new Part 4, "Private Toll Roads":

(a) The title of this part is, and may be cited as the "Tennessee Private Toll Road Act."

(b) As used in this part, unless the context otherwise requires:

(1) "Local Government" means any county or municipality of this state.

(2) "Person" means any natural person, partnership, corporation, trust, association, or any other legal entity, other than the state or political subdivision thereof.

(3) "Project" means a toll road or toll bridge.

(c)

(1) A local government may contract with and/or license a person to finance, construct, maintain, improve, own or operate a project along the boundaries of or within such local government.

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(2) Local government may finance, construct, maintain, improve, own or operate within the boundaries of such local government any necessary highway approaches to such project.

(3) Such contract and/or license may is exempt from the requirements contained in TCA 54-7-113, or any other provision of law.

(4) Such contract and/or license shall not impose any debt upon such local government, and such local government shall not lend its credit as part of or in furtherance of such contract and/or license.

(5) Neither the local government nor the state shall make any improvements or otherwise expend public funds upon property owned by or leased to a person for a project.

(d)

(1) Any property or rights therein of another person which are necessary for the project authorized by such contract and/or license may be procured by such local government exercising its power of eminent domain on behalf of and for the project and leased or sold to the person whom the local government has licensed and/or contracted with for such project unless such property or rights therein are owned by the state or a political subdivision of the state.

(2) In all other respects, such power of eminent domain shall conform to the requirements imposed by law.

(3) Any such property or rights therein owned by the state or a political subdivision thereof may be leased by such owner for any period, as determined by such owner, or sold by such owner pursuant to requirements of applicable law.

(4) If the state is the owner, such lease or sale shall be executed by the state building commission and may be executed without competitive bidding

upon written determination by that commission that such lease or sale is necessary for the project and the public interest is served by such use of state property.

(e) A contract and/or license authorized under this part shall confer upon the person entering into the license and/or contract, in addition to other requirements:

(1) the right to finance, construct, maintain, improve, own, or operate, or any combination thereof, the project and that such right shall be irrevocable but need not be exclusive;

(2) the right to own the project and to set, fix, change, and collect tolls;

(3) right of assignment and amendment;

(4) the duty to provide for design and construction of the project and standards therefor;

(5) specifications and requirements concerning maintenance and operation, liability, and other operational matters;

(6) rights and duties of the parties regarding connecting roads, highways, streets, bridges, or transit ways; and

(7) such other matters as shall be deemed appropriate or necessary.

(f) A project operated pursuant to a contract and/or license authorized under this part shall not be subject to regulation as to toll amounts or any other matters by the department of transportation or the Tennessee Tollway Authority or any other state authority.

(g) Nothing in this part shall limit the exercise of the power of eminent domain by the state or local government regarding a project.

SECTION 3. All laws and parts of laws in conflict with this act are hereby repealed.

SECTION 4. This act shall take effect July 1, 1998, the public welfare requiring it.

